

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

A message was received from the House announcing the passage by that body of substitute for House Bill No. 156, "An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1876."

On motion of Senator Douglass, Senate Bill No. 403, "An Act to authorize the levy and collection of a special tax in Blanco, Smith, etc., counties, for the years 1876, 1877, 1878, to erect court-houses and jails," was taken up, with House amendments, and said amendments all concurred in but the 3rd, 10th and 11th.

On motion of Senator Blassingame, the Senate adjourned until 8:30 P. M. to-night.

#### NIGHT SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

Senator Crain moved that the Senate adjourn until 9 o'clock to-morrow morning.

Lost by the following vote:

YEAS—Senators, Brady, Ford—2.

NAYS—Senators Ball, Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—18.

ABSENT AND NOT VOTING—Senators Burton, Stephens—2.

Senator Crain in the chair.

At 9 P. M., Senator J. R. Henry moved to adjourn until 9 o'clock to-morrow morning.

Lost, by the following vote:

YEAS—Senators Brady, Brown, Ford, Henry J. R.—4.

NAYS—Senators Ball, Blassingame, Crain, Douglass, Edwards, Francis, Grace, Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—16.

ABSENT AND NOT VOTING—Senators Burton, Stephens—2.

At 9:10, the Senate adjourned until 9 o'clock to-morrow morning.

#### ONE HUNDRED AND FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, August 19, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

On motion of Senator Ball, House Bill No. 156, "An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1876," was taken up, and the Senate receded from its amendment No. 5.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 215—"An act to regulate the management of railroad companies."

Senate Bill No. 170—"An Act to regulate the practice of medicine," with an amendment.

Senator Storey moved to reconsider the vote passing substitute for House Bills Nos. 272 and 98, "An Act to regulate taxation, and to fix the rate of the same."

Carried, and the same reconsidered.

Senator Storey offered the following amendment:

Amend Section 1 by inserting, after the word, "cent," in line 3, the following words: "For general revenue, and fifteen cents on the one hundred dollars' worth of property, to pay the public debt accrued prior to the 18th day of April, 1876."

Senator Douglass offered the following amendment as a substitute for Senator Storey's amendment:

"An annual poll tax of one dollar for the general revenue."

A message was received from His Excellency, the Governor.

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 411—"An Act making an appropriation for the support of the State government for the fiscal years ending August 31, 1877, 1878, and for the additional period of time ending December 31, 1878."

House Bill No. 428—"An Act to amend Section 1 of 'An Act for the benefit of actual occupants of the public lands,' approved May 26, 1876."

House Bill No. 363—"An Act to levy a tax on dogs, and to provide for the assessment and collection of the same."

House Bill No. 364—"An Act to define the duties of persons subject to taxation by the laws of this State, and to fix penalties for violation of the same."

Senate Bill No. 383—"An Act to validate the acts of the Commissioners' Courts throughout the State of Texas, had from the 18th day of April, 1876, to the 3d day of August, 1876."

Senator Piner in the chair.

A message was received from the House, announcing the passage by that body of the following:

Senate Joint Resolution No. 334—"Providing for the leasing of three hundred feet square in the block or lot of land in the city of Austin, lying north of the State Capitol, and known on the map of said city, now on file in the General Land Office, as 'College Hill.'"

Also, that the House has concurred in Senate amendments to House Bill No. 407—"An Act providing for the filling of vacancies in the office of County Treasurer, County Surveyor, and Hide Inspector."

The consideration of substitute for House Bills Nos. 272 and 98 was resumed.

Senator Douglass' substitute for Senator Storey's amendment was then lost by the following vote:

YEAS—Senators Crain, Douglass, Edwards, Francis, McCulloch, Stephens, Thompson—7.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Ford, Grace, Henry J. R., Ledbetter, Motley, Piner, Ripetoe, Smith, Storey, Terrell—15.

Senator Storey's amendment was then lost by the following vote:

YEAS—Senators Brady, Brown, Burton, Edwards, Francis, Ford, Ledbetter, McCulloch, Motley, Ripetoe, Storey, Terrell, Thompson—13.

NAYS—Senators Ball, Blassingame, Crain, Douglass, Grace, Henry J. R., Piner, Smith, Stephens—9.

The bill then passed by the following vote:

YEAS—Senators Blassingame, Brown, Douglass, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Smith, Stephens, Storey, Thompson—13.

NAYS—Senators Ball, Brady, Burton, Crain, Edwards, Grace, Piner, Ripetoe, Terrell—9.

On motion of Senator Blassingame, House Bill No. 170, entitled, "An Act to regulate the practice of medicine," was taken up, with House amendments, and said amendments concurred in.

On motion of Senator Crain, the rules were suspended, and House Bill No. 416, entitled, "An Act to prohibit the Judges of County Courts of this State from practicing as attorneys or counselors-at-law, in the County Courts and the Courts of Justices of the Peace of this State, and to affix a penalty for a violation of its provisions," was taken up and read first time.

Senator Crain moved a suspension of the rules to place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senators Grace—1.

Bill read second time.

President *pro tem.* in the chair.

Bill passed to a third reading.

Senator Crain moved to still further suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell—21.

NAYS—Senator Thompson—1.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed, Senate Bill No. 189, "An Act to regulate the respective duties of District and County Attorneys."

STEPHENS, *Chairman.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:



*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 383, "An Act to validate the acts of the Commissioners' Courts throughout the State of Texas, from April 18, 1876, to August 15, 1876."

The same has been properly signed and presented to the Governor, this day at 10:25 o'clock A. M., for his approval. GRACE, *Chairman*.

On motion of Senator Ball, the rules were suspended, and Senate Bill No. 403, "An Act to authorize the levy and collection of a special tax in Blanco, Smith, Tarrant, Erath, Denton, Parker, Lampasas, Camp, Sabine, Burnet, Cameron, Brown, Delta, Nacogdoches and Angelina counties, for the years 1876, 1877 and 1878, to erect a court house and jail in each," was taken up.

Senator Ball moved to reconsider the vote of yesterday on this bill, by which part of the House amendments were concurred in, and part rejected.

Carried.

Senator Ball moved to concur in all the House amendments.

Adopted.

On motion of Senator Francis, the rules were suspended, and substitute for House Bills Nos. 80, 168, 142 and 103, "An Act to provide for the employment and hiring of county convicts, and prescribing the duties and fees of officers charged therewith," was taken up and read second time.

Senator Francis offered the following amendment:

Add to Section —: "Whereas, in many counties of the State criminals are confined at the expense of the counties, such as to create an imperative public necessity and emergency; therefore, be it enacted that this law go into effect from and after its passage."

Adopted.

Bill passed to a third reading.

Senator Francis moved to suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

On motion of Senator Crain, Senate Bill No. 179, "An Act to encourage navigation and irrigation," was taken up, and, on motion of Senator Crain, the Senate refused to concur in House amendments, a Committee of Free Conference ordered, and a like committee requested on the part of the House.

Senators Henry, Ford, Crain and Brady appointed as said committee.

On motion of Senator Stephens, the rules were suspended, and House

Bill No. 215, "An Act to regulate the management of railroad companies," was taken up.

Senator Douglass moved to commit to the Committee on Internal Improvements.

Senator Smith moved the previous question.

Seconded.

Main question ordered.

Senator Douglass' motion to refer the bill to the committee as aforesaid was adopted by the following vote:

YEAS—Senators Brady, Brown, Douglass, Edwards, Francis, Ford, Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith—12.

NAYS—Senators Ball, Blassingame, Crain, Grace, Henry J. R., Stephens, Storey, Terrell, Thompson—9.

NOT VOTING—Senator Burton—1.

On motion of Senator Blassingame, the rules were suspended, and House Bill No. 442, "An Act to amend 'An Act to provide for the transferring of all criminal cases in which indictments have been found, to the proper court having jurisdiction thereof,'" approved August 12, 1876, was taken up, and read first time.

On motion of Senator Storey, the rules were suspended, and substitute for House Bill No. 275, "An Act to authorize the Comptroller of Public Accounts to issue duplicate warrants," was taken up and read first time.

Senator Storey moved to suspend the rules, and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell—19.

NAYS—Senators Edwards, Thompson—2.

Bill read second time, committee amendments adopted, and bill passed to a third reading.

Senator Storey moved to still further suspend the rules, and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell—21.

NAYS—Senator Thompson—1.

The bill was read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Terrell—17.

NAYS—Senators Burton, Edwards, Francis, Ripetoe, Thompson—5.

A message was received from the House announcing the passage by that body of the following bill:

Senate Bill No. 291—"An Act to regulate procedure in relation to common use of certain inclosed lands."

The House appointed Representatives Rogers, Moses, and McCuistian, a Committee of Free Conference on the disagreement of the two Houses on Senate Bill No. 179, "An Act to encourage irrigation and navigation."

On motion of Senator Motley, the rules were suspended, and House

Bill No. 193, "An Act to repeal 'An Act to provide for the registration of births,'" was taken up, read second time, and passed to a third reading.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 291, "An Act to regulate procedure in relation to common use of certain inclosed lands," was taken up, and the House amendments to same concurred in.

On motion of Senator Storey, the rules were suspended, and House Bill No. 402, "An Act to provide for furnishing certain supplies therein named to the Lunatic, Deaf and Dumb, and Blind Asylums," was taken up, and read first time.

On motion of Senator Storey, the rules were suspended to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Henry J. R., Ledbetter, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Grace—1.

The bill was read second time and passed to a third reading.

On motion of Senator Storey, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Edwards—1.

The bill was read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Edwards—1.

On motion of Senator Brown, the rules were suspended, and House Bill No. 343, "An Act to amend an act entitled, 'An Act for the protection of the wool growing interests of the State,' approved May 2, 1874," was taken up and read third time.

Senator Brown offered the following amendments:

Amend Section 1, by inserting at the beginning, the words; "*Be it enacted by the Legislature of the State of Texas.*"

Amend Section 2, by inserting, before the word, "be," the words, "of said act."

Adopted.

The bill then passed.

Senator Blassingame in the chair.

On motion of Senator Crain, the rules were suspended, and House Bill No. 192, "An Act to amend the act of 8th of November, 1866, amending an act entitled, 'An Act to establish a penal code,' approved August 26, 1856," was taken up and read first time.

On motion of Senator Crain, the rules were suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Ford, Grace, Henry J. R., Ledbetter, McCulloch,



Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—11.

NAYS—Senator Francis—1.

Bill was read second time and passed to a third reading.

On motion of Senator Crain, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Francis—1.

The bill was read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

On motion of Senator Storey, the rules were suspended, and House Bill No. 334, "An Act to authorize the State Board of Education to collect and invest the interest due on the bonds belonging to the Agricultural and Mechanical College, in six per cent. State bonds," was taken up, read second time and passed to a third reading.

On motion of Senator Storey, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—18.

NAYS—Senators Burton, Piner, Ripetoe—3.

The bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Crain, Douglass, Edwards, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Smith, Storey, Terrell, Thompson—17.

NAYS—Senators Brady, Burton, Piner, Ripetoe, Stephens—5.

President *pro tem.* in the chair.

The President *pro tem.* signed the following bills:

Substitute for House Bill No. 156—"An Act to enforce the collection of delinquent taxes on lands assessed since January, 1870."

Senate Bill No. 216—"An Act to establish and provide for the support and maintenance of a system of public free schools."

Senator Blassingame in the chair.

On motion of Senator Smith, the rules were suspended and Senate Joint Resolution No. 247, "An Act to carry into effect Section 39, Article 16, of the Constitution," was taken up and read third time.

Senator Storey moved the previous question.

Seconded, and the main question ordered.

The bill passed by the following vote:

YEAS—Senators Brady, Brown, Crain, Ford, Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Thompson—11.

NAYS—Senators Ball, Blassingame, Burton, Douglass, Edwards, Francis, Henry J. R., Ripetoe, Storey, Terrell—10.

On motion of Senator Storey, the rules were suspended, and House Bill No. 333, "An Act to authorize and require the State Board of Education to invest the proceeds of the sale of University lands now in the

State Treasury in six per cent. State bonds," was taken up and read first time.

Senator Storey moved to suspend the rules and put the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson—11.

NAYS—None.

NOT VOTING—Senator Storey—1.

Bill read third time and passed to a third reading.

Senator Storey moved a still further suspension of the rules to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Ripetoe—1.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Crain, Douglass, Edwards, Francis, Ford, Henry J. R., Ledbetter, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—17.

NAYS—Senators Brady, Burton, Grace, Piner, Ripetoe—5.

Senator Thompson moved to reconsider the vote of to-day passing Senate Joint Resolution No. 247:

Carried.

Senator Smith moved to strike out, "\$8,000," and insert, "\$5,000."

Senator Stephens moved the previous question.

Seconded, and the main question ordered.

The amendment of Senator Smith was adopted, and the bill passed by the following vote:

YEAS—Senators Brady, Brown, Burton, Crain, Ford, Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Thompson—13.

NAYS—Senators Ball, Blassingame, Douglass, Edwards, Francis, Grace, Henry J. R., Storey, Terrell—9.

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate :*

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill No. 216, entitled, "An Act to establish, and provide for the support and maintenance of, an efficient system of public free schools." The same has been properly signed and presented to the Governor, this day, at 12:45 A. M., for his approval.

GRACE, *Chairman.*

On motion of Senator Ledbetter, the Senate adjourned until 4 o'clock this evening.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present.



A message was received from the House, announcing the passage by that body of the following bills:

Senate Bill No. 48—"An Act to amend an act entitled, 'An Act to amend Articles 756 and 768 of an act to adopt and establish a penal code for the State of Texas,'" approved November 12, 1866.

Senate Bill No. 49—"An Act to amend an act entitled, 'An act to establish a penal code for the State of Texas,'" approved August 28, 1856.

Senate Bill No. 397—"An Act to prevent the forgery of land titles."

Senate Bill No. 401—"An Act to amend Article 724 of the penal code," approved August 28, 1856.

Senate Bill No. 298—"An Act to provide for the change of venue by the State in criminal cases."

Senate Joint Resolution No. 386—"Authorizing the Governor to give bond for the quota of arms the State is entitled to under a recent joint resolution of Congress."

Also, that the House has concurred in Senate amendments to House Bills Nos. 272, 98, etc., Nos. 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 16, 17, 25, 27, 28, 29, 30, 31 and 32, and amended Senate amendment No. 15, and refused to agree to Nos. 6, 7, 18, 19, 20, 21, 22, 23, 24 and 26, and have appointed as a committee of Free Conference, Representatives Cochran, Carrington and Peers.

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 406—"An Act to authorize the Commissioners' Courts to procure buildings for the use of the County Courts in certain counties."

House Bill No. 440—"An Act to provide for the election and qualification of County Treasurer and County Surveyor."

Also, substitute for House Bill No. 339—"An Act to provide for the speedy assessment and collection of taxes upon land and real estate in cases where such property has been subject by law to taxation, but the assessment thereof has been omitted."

Senator Ball in the chair.

Senators Brown, Storey and Crain were appointed by the chair a Committee of Free Conference on substitute for House Bills Nos. 272 and 98.

Senator Edwards, from the Committee of Free Conference on Senate Bill No. 137, "An Act to fix and regulate the fees of all the State officers of Texas, and the several counties thereof," submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee of Free Conference, appointed to confer with a like committee of the House on the differences existing between the two Houses concerning the House amendments to Senate Bill No. 137, "An Act to fix and regulate the fees of all the officers of the State of Texas, and the several counties thereof," beg leave to report that they have agreed upon the following, and recommend the adoption thereof.

In lieu of amendments Nos. 1 and 2, substitute the following, to be Section 7 of the bill:

"SEC. 7. The County Attorney shall be entitled to the following fees, and no others, to-wit:

"For every conviction under the laws against gaming, where no appeal is taken, or when upon appeal the judgment is affirmed, fifteen dollars, to be paid by defendant as other costs.

"In all other cases of misdemeanor, when the defendant is convicted and no appeal is taken, or when upon appeal the judgment is affirmed, ten dollars, to be paid by defendant as other costs.

"For all convictions of a capital felony, when the defendant fails to appeal, or escapes after appeal is taken, before final judgment of the Appellate Court; or when upon appeal the judgment is affirmed; and in all cases of felonious homicide, above and including the grade of manslaughter, fifty dollars. And in all other convictions of felony, when the defendant fails to appeal, or escapes after appeal is taken, before the final judgment of the Appellate Court, or when upon appeal the judgment is affirmed, thirty dollars, to be paid by the State.

"On all fines, forfeitures, or money collected for the State or county, recovered by him, the County Attorney shall be entitled to ten per cent. of the amount so collected.

"For services rendered in the Examining Courts, in every felony case, where the party is finally convicted, and no appeal is taken, or where upon appeal the judgment is affirmed, ten dollars.

"For representing the State in each case of *habeas corpus*, where the defendant is charged with a felony, twenty dollars, to be paid by the State: *provided*, that only one fee shall be paid in each case of *habeas corpus*, without regard to the number of defendants.

"District Attorneys shall be allowed the same fees and commissions as are herein allowed to County Attorneys for all services by them performed.

"The District Attorney shall also receive a salary of five hundred dollars per annum, to be paid by the State."

Amendments to be concurred in by the Senate: Nos. 3, 4, 7, 9, 10, 12, 16, 21, 22, 25, 26, 27, 29, 30, 31, 32, 39, 40, 42, 43 as to lines 23 and 24, 44, 45 as to line 54, 46, 47, 49, 51, 54, 57, 58, 59, 60, 61, 62.

The House recedes from the following amendments: Nos. 5, 6, 8, 11, 13, 14, 15, 17, 18, 19, 20, 23, 24, 28, 33, 34, 35, 36, 37, 38, 41, 43 as to lines 27 and 28, 45 as to lines 54 and 55, 48, 50, 52, 53, 55, 56.

The following amendments have been made by the committee:

Amend Section 6, by inserting after the word, "cents," in line 12, the following: "They shall be allowed a commission of one half of one per cent. upon the actual cash receipts of each executor, administrator or guardian, upon the approval of his exhibits and the final settlement of his accounts; but no more than one such commission shall be charged on any amount received by any executor, administrator or guardian."

Amend line 15, by inserting after the word, "misdemeanor," the words, "or *habeas corpus*."

The following has been agreed upon by the committee as a substitute for House Amendment No. 63:

The following are amendments to Section 8:

In line 3, strike out, "fifteen," and insert, "twenty."

In line 4, strike out, "ten," and insert, "fifteen."

In line 5, strike out, "ten," and insert, "fifteen."

In line 6, strike out, "fifteen," and insert, "twenty."

In line 7, strike out, "ten," and insert, "fifteen."

In line 9, strike out, "fifty cents," and insert, "one dollar."

- In line 11, strike out, "ten," and insert, "fifteen."  
In line 15, strike out, "ten," and insert, "fifteen."  
In line 17, add, after the word, "dollar," the words, "and fifty cents."  
In line 18, strike out, "twenty-five," and insert, "thirty-five."  
In line 19, strike out, "twenty-five," and insert, "thirty-five."  
In line 21, strike out, "fifty," and insert, "seventy-five."  
In line 23, strike out the words, "with certificate and seal," and insert, after the word, "cents," the words, "for swearing witness, with certificate and seal, fifty cents."  
In line 23, strike out, "fifty," and insert, "seventy-five."  
In line 24, strike out, "fifty," and insert, "seventy-five."  
In line 27, strike out, "fifty," and insert, "seventy-five."  
In line 28, strike out, "fifty," and insert, "seventy-five."  
In line 31, strike out, "fifteen," and insert, "twenty."  
In line 33, strike out, "fifteen," and insert, "twenty."  
In line 34, strike out, "fifty," and insert, "seventy-five."  
Strike out lines 34—after the word, "cents"—35 and 36.  
In line 37, strike out, "fifty," and insert, "seventy-five."  
Strike out all from line 41 to, and including, the word, "Judge," in line 48.  
In line 53, strike out, "fifteen," and insert, "twenty."  
In line 54, strike out, "fifty," and insert, "seventy-five."  
Add to Section 8: "For filing a record in a cause appealed to the District Court, fifty cents."  
The following are amendments to Section 9:  
In line 47, strike out, "with certificate and seal."  
In line 48 add, "swearing witness to deposition, with certificate and seal, fifty cents."  
In line 79, insert after the word, "Judge," the words, "not to exceed one hundred dollars per annum."  
Add to Section 9, "for making and transmitting the mandate or judgment of the County Court, upon an appeal from the Justice's Court, one dollar."  
The following are amendments to Section 10:  
In line 2, strike out, "fifty," and insert, "seventy-five."  
In line 4, strike out, "ten," and insert, "twenty-five."  
In line 8, strike out, "ten," and insert, "fifteen."  
In line 11, strike out, "twenty-five," and insert, "fifty."  
In line 14, strike out, "ten," and insert, "twenty-five."  
In line 23, insert after, "District Court," the words, "or County Court."  
Strike out lines 25, 26, and including the word, "seal," in line 27.  
The following are amendments to Section 11:  
In line 3, insert after, "dollar," the words, "and fifty cents; for executing each warrant of arrest, or *capias*, or making an arrest without warrant, one dollar; for each mile he may be compelled to travel in executing criminal process, or summoning or attaching witnesses, five cents; for traveling in the service of any process, not otherwise provided for, the sum of five cents for each mile, going and returning, computing the distance from the place of service to the place of return; if two or more persons are mentioned in the writ, he shall charge for the distance actually and necessarily traveled in the service of the same; these fees, in cases of felony, to be paid by the State where the defendant is brought to trial."



Strike out, lines 5, 6, 7 and 8, and insert the following words, "for summoning each witness in the County or District Court, fifty cents; in cases of felony, to be paid by the State where the defendant is brought to trial; for summoning a jury, in a felony case, to be paid by the State where the defendant is brought to trial, two dollars."

In line 11, after the word, "dollar," add, "and fifty cents."

In line 17, strike out, "seventy-five cents," and insert, "one dollar."

In line 18, add after the word, "commitment," the words, "or release."

In line 19, add, after the word, "dollar," the words, "and fifty cents."

In line 20, strike out, "fifty," and insert, "seventy-five."

In line 34, strike out, "three," and insert, "four."

In line 35, strike out, "two per cent.," and insert, "three per cent."

In lines 35 and 36, strike out, "one and a half," and insert, "two."

The following are amendments to Section 12:

In line 2, strike out, "including copies."

In line 3, strike out, "fifty," and insert, "seventy-five."

In line 9, strike out, "ten," and insert, "twenty."

In line 15, add after the word, "dollar," "and fifty cents."

In line 31, add after the word, "dollar," "and fifty cents."

In line 32, strike out, "fifty," and insert, "sixty."

The following are amendments to Section 13:

In line 2, strike out the word, "fifty," and insert, "seventy."

In line 5, strike out, "fifty," and insert, "seventy."

In line 6, strike out, "fifty cents," and insert, "one dollar."

In line 8, after the word, "dollar," insert, "and fifty cents."

In line 9, strike out, "twenty-five," and insert, "fifty."

In line 11, strike out, "fifty cents," and insert, "one dollar."

In line 12, strike out "fifty," and insert, "seventy."

In line 14, strike out, "twenty-five," and insert, "forty."

In line 18, strike out, "one dollar," and insert, "two dollars and fifty-cents."

In line 19, strike out, "fifty," and insert, "seventy."

In Section 13, strike out lines 32 and 33, and insert, "For all services done by Constables in business connected with the County and District Courts, they shall only receive the same fees as are allowed Sheriffs."

Add to Section 13, the following, "For each mile actually and necessarily traveled in executing criminal process, or making arrest without warrant, and summoning witnesses in criminal cases, five cents, going and returning, computing the distance from the place of service to the place of return. If two or more persons are mentioned in the writ, he shall charge for the distance actually traveled in the service of the same."

In Section 15, strike out lines 2, 3, 4, 5, 6 and 7, down to the word, "the," and insert, "The County Treasurer shall receive not more than two and one half per cent. on all sums received by him; and not more than two and a half per cent. on all sums paid out by him; but shall receive not more than one per cent. for receiving and paying out moneys belonging to the school fund."

Amend Section 19 by adding the following: "For recording any instrument required by law to be recorded, not otherwise provided for, fifteen cents for each hundred words, including the certificate and seal."

On motion of Senator Smith, the report of Committee of Free Conference on Senate Bill No. 137, was adopted, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson—21.

NAYS—Senator Terrell—1.

In Section 20, lines 3 and 4, strike out all after word, "but," down to the word, "shall," and insert, "no copy not required by law."

To Section 24 add the following: "And in all cases where parties are convicted of felonies, judgment shall be rendered against said parties, for all costs accruing in such cases, and execution shall issue thereon, in the name of the State."

Strike out Section 30, and insert the following:

"SEC. 30. That for all services performed since April 17, 1876, by any of the officers herein named, they shall receive the same fees as are herein provided: *provided, however*, that this section shall not prevent the officer from charging the rates heretofore allowed by law for any service performed by him before the passage of this act.

"SEC. 31. The fact that there is no law in force fully defining the fees of County Clerks, and County Judges, and other officers, creates an emergency that, and it is hereby declared that this act shall be in force and effect from and after its passage."

PEYTON F. EDWARDS,	} Senate Committee.
W. H. CRAIN,	
A. CHESLEY,	} House Committee.
M. V. KINNISON,	
ED. CHAMBERS,	

On motion of Senator Piner, Senate Bill No. 48, "An Act to amend an act entitled, 'An act to amend Articles 756 and 768 of an act to adopt and establish a penal code for the State of Texas,'" approved November 12, 1866, was taken up, and House amendments to the bill concurred in.

On motion of Senator Piner, Senate Bill No. 49, "An Act to amend an act entitled, 'An act to establish a penal code for the State of Texas,'" approved August 28, 1856, was taken up, and on motion of Senator Edwards, the House amendments were concurred in.

President *pro tem.* in the chair.

The President *pro tem.*, after publicly reading its caption, signed Senate Bill No. 292, "An Act to provide for the issuance of patents for lands in certain cases."

Senator Ball in the chair.

A message was received from the House, announcing the passage by that body of the following bill:

House Bill No. 354—"An Act to authorize the Court of Appeals to appoint a baliff."

On motion of Senator Edwards, the rules were suspended, and House Bill No. 27, "An Act regulating interest," was taken up, read second time and passed to a third reading.

Senator Edwards offered the following amendment:

"That the fact that the session is drawing near to a close, and there being no law defining usury in force, creates an emergency and neces-

sity that this act be passed immediately, and it is hereby declared that this act take effect from and after its passage."

Adopted.

On motion of Senator Edwards, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Burton—1.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

On motion of Senator Blassingame, the rules were suspended, and House Bill No. 442, "An Act to amend an act to provide for the transferring of all criminal cases, in which indictments have been found, to the proper court having jurisdiction thereof, approved August 12, 1876," was taken up and the rules suspended, to place the bill on its second reading (it having been read first time during the day), by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Ford—1.

Bill read second time, and lost by the Senate refusing to pass the bill to a third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Douglass, Francis, Henry J. R., McCulloch, Piner, Smith, Thompson—10.

NAYS—Senators Brown, Burton, Crain, Edwards, Ford, Grace, Ledbetter, Motley, Ripetoe, Storey, Terrell—11.

On motion of Senator Edwards, the rules were suspended, and House Bill No. 137, "An Act to amend an act entitled, 'An Act to amend Article 11 of an act entitled, 'An Act concerning divorce and alimony,' approved January 6, 1841,' approved May 27, 1873," was taken up, read second time, and report of committee, with amendments, adopted.

House Bill No. 174, "An Act to amend an act entitled, 'An Act prescribing the mode of service in certain cases,' " was taken up, and read first time.

On motion of Senator Piner, the rules were suspended, and House Bill No. 294, "An Act authorizing County Courts, in each county, to create new precincts in their respective counties, and appoint Justices of the Peace and Constables in such precincts, to serve until the next succeeding general election," was taken up, read first time, and on motion of Senator Piner, indefinitely postponed.

House Bill No. 76, "An Act to define and punish barratry," was taken up, read third time and passed.

House Bill No. 200, "An Act to define and punish sodomy," was taken up, and read first time.

House Joint Resolution No. 213, "To provide for the creation of a



special commission to obtain certain information, and report thereon, in relation to the building of a new penitentiary, and to make an appropriation for the payment and expenses thereof," was taken up, read second time, and, on motion of Senator Francis, indefinitely postponed.

The Executive's message was read as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, August 19, 1876. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN—I respectfully ask your advice and consent to the following appointment:

W. E. Easterwood, Notary Public for Milam county.

Very respectfully,

RICHARD COKE, Governor.

On motion of Senator Edwards, the Senate went into executive session.

#### IN SENATE.

The Secretary was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to his appointment of Notary Public in his communication of this date.

House Bill No. 218, "An Act to provide for the enforcement of contracts for labor," was taken up, and, on motion of Senator Douglass, laid on the table.

Senator Edwards introduced the following resolution:

*Resolved*, That the President of the Senate and Chairman of the Committee on Contingent Expenses be and are hereby authorized to approve the account of Edward DeNormandie for ten dollars for two days' service as a Clerk of the Senate.

Adopted.

Senator Grace Chairman Committee on Enrolled Bills, submitted the following report:

*Hon. Wells Thompson, President pro tem of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 292, "An act to provide for the issuance of patents for land, in certain cases," and find the same correctly enrolled, and have presented the same to the Governor this day, at 5:05 o'clock P. M., for his approval.

GRACE, Chairman.

On motion of Senator Piner, the rules were suspended, and House Bill No. 354, "An act to authorize the Court of Appeals to appoint a bailiff," was taken up and read first time.

Senator Piner moved to suspend the rules and place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—None.

Bill read second time and passed to a third reading.

Senator Piner moved a further suspension of the rules to place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain,

Douglass, Edwards, Francis, Ford, Grace, [Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—None.

House Bill No. 220, "An Act to further define the duties of Comptroller and Treasurer of the State, in regard to the counting of moneys deposited with the Treasurer under the provisions of the act of April 12, 1871, entitled, 'An Act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,'" was taken up.

On motion of Senator Douglass, the bill was laid on the table.

House Bill No. 277, "An Act to amend Article 721 of the code of criminal procedure," was taken up and read first time.

Senator Piner moved to suspend the rules, and place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—None.

Bill read second time and passed to a third reading.

Senator Storey moved to still further suspend the rules, and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—21.

NAYS—None.

Senator Crain, from Committee of Free Conference on Senate Bill No. 179, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee of Free Conference on the disagreement between the two Houses on Senate Bill No. 179, "An Act to encourage irrigation and navigation," have had the same under consideration, and report as follows:

In the first House amendment, line 7, strike out, "12," and insert, "16."

In the second amendment, strike out, "4," and insert, "8;" strike out, "3," and insert, "6;" strike out, "2," and insert, "4;" strike out, "1," and insert, "2."

The Senate concurs in the 3rd, 4th, 5th, and 6th amendments.

Additional amendment by the committee: "Strike out Section 15 of the bill."

CRAIN,	}	<i>Senate Committee.</i>
FORD,		
BRADY,		
ROGERS,	}	<i>House Committee.</i>
MOSES,		
MCQUISTIAN,		

The report of the committee was adopted.

On motion of Senator Burton, the Senate adjourned until 8:30 o'clock to-night.

### NIGHT SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

At 9 o'clock P. M., a quorum was announced present.

A message was received from the House, announcing the passage by that body of the following bills:

Senate Bill No. 400—"An Act to provide for the manner of purchasing fuel for the use of the Legislature and other departments of the government, except the judicial department, by contract."

Senate Bill No. 179—"An Act to encourage irrigation and navigation."

Senate Concurrent Resolution, "Reciting the duties of the Superintendent of the Public Grounds in regard to the management and care of the Capitol building."

Also, that the House has adopted the report of the Committee of Free Conference on Senate bill No. 137, "An Act to fix and regulate the fees of all the officers of the State, and the counties thereof."

Senator Storey moved to suspend the rules, and take up House Bill No. 311, "An Act to provide for the judicial forfeiture of charters, and prescribing the duties of the Attorney-General in relation thereto."

Senator Piner moved a call of the Senate.

Call sustained.

Roll called.

Senate announced full.

Senator Storey's motion carried and the bill was taken up.

Senator Piner moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senator McLeary.

Senator Stephens moved to excuse Senator McLeary indefinitely.

The President decided that a motion to excuse a Senator while the Senate was under a call on account of the absence of the Senator, was not in order.

Pending the call, the bill went to the table.

Senator Brown from the Committee of Free Conference on substitute for House Bills Nos. 272 and 98, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee of Free Conference, to whom was referred matters of difference between the two Houses on the House substitute for House Bill Nos. 272 and 98, entitled, "An Act to regulate taxation and to fix



the rate of the same," have had the same under consideration and beg leave to report the following:

House agrees to Senate amendments Nos. 5, 6, 18, 20, 23, 24 and 26. Senate recedes from No. 7.

Senate amendment No. 15, amended so as to read, "Provided, attorneys-at-law shall only pay county occupation tax in the county of their residence."

Senate amendment No. 21, amended by striking out, "30," and inserting, "20."

Senate amendment No. 22, amended by striking out, "20," and inserting, "15."

Amend Section 2, line 9, by striking out, "1," and inserting, "2."

After the word, "each," in same line, insert, "one dollar."

Add to the end of Section 2, the following words, "one dollar for general revenue purposes."

In Section 3, line 69, strike out, "75," and insert, "50."

In Section 3, line 15, strike out, "500," and insert, "200."

In Section 3, line 116, strike out, "25," and insert, "10."

In Section 3, line 71, after the word, "profit," strike out the words, "two hundred and."

All of which is respectfully submitted.

BROWN,	}	Senate Committee.
STOREY,		
CRAIN,		
COCHRAN,	}	House Committee.
PEERS,		
CARRINGTON.		

House Bill No. 85, "An act to amend Article 702 of the code of criminal procedure, in relation to bail bonds," was taken up, and read first time.

Senator Douglass moved to suspend the rules and take up substitute for House Bills Nos. 172 and 377.

Senator Crain moved to lay the motion on the table.

Carried.

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 334—"An Act to authorize the State Board of Education to collect and invest the interest due on the bonds belonging to the Agricultural and Mechanical College in six per cent. State bonds."

House Bill No. 333—"An act to authorize and require the State Board of Education to invest the proceeds of the sale of the University bonds, now in the State Treasury, in six per cent. State bonds."

House Bill No. 407—"An Act to provide for the filling of vacancies in the offices of County Surveyor, County Treasurer and Hide Inspector in the counties of this State."

House Bill No. 192—"An Act to amend an act of November 8, 1866, amending an act entitled, 'An Act to establish a penal code,' approved August 26, 1856."

House Bill No. 416—"An Act to prohibit the Judges of County Courts of this State from practicing as attorneys or counselors at law in the County Courts, and the Courts of the Justices of the Peace of this State, and to affix a penalty for the violation of its provisions."

Senator Crain moved a suspension of the call.

Lost.

House Bill No. 144, "An Act to amend Section 86 of 'An Act to regulate proceedings in the District Courts,' approved May, 13, 1846," was taken up, and read first time.

Senator Ripetoe moved to suspend the rules and take up Senate Joint Resolution No. 396.

Senator McLeary appearing, the Senate was announced full, and the consideration of House Bill No. 311, was resumed.

Senator Ball in the chair.

The bill read second time.

Senator Smith in the chair.

Senator Ball offered the following amendment:

In Section 1, line 15, strike out all after the word, "charter."

Senator Brady moved that the bill be referred to Committee on Internal Improvements.

Lost by the following vote:

YEAS—Senators Blassingame, Brady, Edwards, Henry J. R., Piner, Ripetoe—6.

NAYS—Senators Ball, Burton, Crain, Douglass, Francis, Ford, Grace, Ledbetter, McLeary, Motley, Smith, Stephens, Storey, Terrell, Thompson—15.

NOT VOTING—Senators Brown, McCulloch—2.

Senator Ball's amendment was adopted.

Senator Crain offered the following amendment:

Strike out, "ten days," and insert, "thirty days."

Senator Edwards offered the following amendment as a substitute for Senator Crain's amendment:

Strike out all of Section 2 after, "county," in line 2.

Accepted, and the amendment, as amended, adopted.

Senator Douglass offered the following amendment:

Amend Section 1 by adding the following: "*Provided*, that no railroad company which has constructed as much as five miles of its road within the last twelve months, or is now actively engaged in the active construction of its road, shall be proceeded against under this act."

Senator Terrell moved the previous on the amendment.

Seconded, and main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell—21.

NAYS—None.

NOT VOTING—Senators McCoch, Thompson—2.

Senator Douglass' amendment was lost by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Douglass, Edwards, Henry J. R., Motley, Piner, Ripetoe—9.

NAYS—Senators Ball, Burton, Crain, Francis, Ford, Grace, Ledbetter, McLeary, Smith, Stephens, Storey, Terrell—12.

NOT VOTING—Senators McCulloch, Thompson—2.

A message was received from the House, announcing that that body had refused to adopt the report of the Free Conference Committee on substitute for Senate Bills Nos. 272 and 98, "An Act to regulate taxation, and to fix the rate of the same, and has re-referred said bill to a Committee of Free Conference, composed of Representatives Martin, Thomp-

son and McCorkle, and requests the appointment of a like committee on the part of the Senate.

Senator Crain offered the following amendment:

Add a section, to be enumerated Section—:

"SEC. —. That owing to the near approach of the close of the session, and in order to carry out the provisions of Section 22, Article 4, of the Constitution, there exists an imperative public necessity and an emergency for the suspension of the rules, and the immediate passage of this act; and it is therefore enacted that this act go into effect and be in force from and after its passage."

On motion of Senator Douglass, the pending bill was temporarily postponed.

Senator Piner moved to reconsider the vote adopting the report of the Committee of Free Conference on the differences between the two Houses on House Bills Nos. 272 and 98."

Carried.

On motion of Senator Douglass, the President appointed a new Committee of Free Conference, consisting of Senators Douglass, Edwards and Piner.

The consideration of House Bill No. 311 was resumed.

Senator Crain moved the previous question on the amendment, and the passage of the bill to a third reading.

Seconded.

The main question ordered.

Senator Crain's amendment was adopted, and the bill passed to a third reading by the following vote:

YEAS—Senators Ball, Burton, Crain, Francis, Ford, Grate, Ledbetter, McLeary, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—16.

NAYS—Senators Blassingame, Brady, Douglass, Edwards, Henry J. R., Piner—6.

NOT VOTING—Senator Brown—1.

On motion of Senator Crain, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Edwards, Francis, Ford, Grace, Henry J. R. Ledbetter, McLeary, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—19.

NAYS—Senators Brady, Douglass, Piner—3.

NOT VOTING—Senator Brown—1.

The bill was then read third time.

Senator Edwards offered the following amendment:

"*Provided*, That no proceedings shall be instituted under the provisions of this act against any railroad company, for a forfeiture incurred heretofore, that may have constructed ten miles of its road, and is actively engaged in building its road at the time of the passage of this act."

Senator McLeary offered the following amendment to the amendment:

After the words, "may have," insert the words, "within six months preceding the passage of this act."

Accepted by Senator Edwards.

Senator Terrell moved the previous question on the amendment and the passage of the bill.



Seconded, and the main question ordered.

Senator Edwards' amendment was then lost by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Henry J. R., Ledbetter, McLeary, Piner—9.

NAYS—Senators Burton, Crain, Francis, Ford, Grace, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—13.

NOT VOTING—Senator Brown—1.

Senator Ball moved to reconsider the vote ordering the main question on the amendment and the bill.

Senator Terrell made the point of order that the motion to reconsider the vote ordering the main question was not in order.

The Chair decided the point of order not well taken.

Senator Grace made the point of order that when the vote on the previous question is partly executed, then a motion to reconsider the vote ordering the main question is not in order.

The Chair held the point of order well taken.

The bill then passed by the following vote:

YEAS—Senators Burton, Crain, Francis, Ford, Grace, Ledbetter, McLeary, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—15.

NAYS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Henry J. R., Piner—7.

NOT VOTING—Senator Brown—1.

Senator Stephens moved to reconsider the vote passing substitute for Senate Bill No. 311, just taken, and to lay that motion on the table.

Carried, by the following vote:

YEAS—Senators Burton, Crain, Ford, Grace, Ledbetter, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—12.

NAYS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Henry J. R., McLeary, Piner, Ripetoe—9.

NOT VOTING—Senators Brown, Francis—2.

On motion of Senator Grace, Senate Bill No. 400, "An Act to provide for the manner of purchasing fuel for the use of the Legislature and other departments of the government, except the Judicial Department, by contract," was taken up with House amendments, and said amendments concurred in.

Senator Piner, from Committee on Free Conference on substitute for House Bills Nos. 272 and 98, submitted the following report:

*Hon. Wells Thompson, President pro tem. of the Senate:*

Your Committee of Free Conference, to whom was submitted the matter of difference between the two Houses on House Substitute for House Bills Nos. 272 and 98, "An Act to regulate taxation, and to fix the rate of the same," have had the same under consideration, and beg leave to make the following report:

Senate amendment No. 19 is so modified as to insert, "\$50," instead of, "\$150."

Senate amendment No. 20 is so modified as to insert, "\$30," instead of, "\$50."

Senate amendment No. 21 is so modified as to insert, "\$20," instead of, "\$30."

Senate amendment No. 22 is so modified as to insert, "\$10," instead of, "\$20."

Senate amendment No. 23 is so modified as to insert, "\$5," instead of, "\$10."

The Senate recedes from its amendment No. 24.

Respectfully submitted,

PINER,	} Senate Committee.
DOUGLASS,	
EDWARDS,	
MARTIN,	} House Committee.
THOMPSON,	
McCORKLE,	

The President *pro tem.*, after publicly reading their captions, signed the following bills:

House Bill No. 402—"An Act to provide for furnishing certain supplies, herein named, to the Lunatic, Deaf and Dumb, and Blind Asylums."

House Bill No. 354—"An Act to authorize the Court of Appeals to appoint a bailiff."

House Bill No. 277—"An Act to amend Article 721 of the criminal code."

House Bill No. 76—"An Act to define and punish barratry."

Senator Storey moved that the Senate take recess until 8:30 o'clock A. M., Monday morning, unless sooner called together by the President *pro tem.*

Adopted.

## ONE HUNDRED AND SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, August 21, 1876. }

Senate met. President *pro tem.* in the chair. Roll called. No quorum present.

At 9 o'clock A. M., a quorum was announced present.

The President, after reading their captions, signed the following bills:

Senate Bill No. 292—"An Act to provide for the issuance of patents for land in certain cases."

Senate Bill No. 48—"An Act to amend an act entitled, 'An Act to amend Articles 756 and 768 of an act to adopt and establish a penal code for the State of Texas,' approved November 12, 1866."

Senate Bill No. 49—"An Act entitled, 'An Act to amend an act entitled, 'An Act to establish a penal code for the State of Texas,' approved August 28, 1856.'"

Senate Bill No. 170—"An Act to regulate irrigation and navigation."

Senate Bill No. 217—"An Act to encourage stock raising and for the protection of stock raisers."

Senate Bill No. 291—"An Act to regulate proceedings in relation to common use of certain enclosed lands."

Senate Bill No. 298—"An Act to provide for the change of venue by the State in criminal cases."

Senate Joint Resolution No. 334—"Providing for the leasing of three hundred feet square in the block or lot of land in the city of Austin lying north of the State Capitol, and known on the map of said city, now on file in the General Land Office, as College Hill."

Senate Joint Resolution No. 386.